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EXAMINER

LUU, SY D

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2174

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,362

Applicant(s)

SCHNEIDERMAN, B.A.

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is responsive to the Amendment filed 9/24/04.
2. Claims 1-36 are pending in this application. Claims 1, 10, 19, 28, 31 and 34 are independent claims. In the Amendment, claims 1-3, 6, 10, 12, 19, 21, 28-29, 31-32, 34-36 were amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

4. Claims 1-6, 10-15, 19-24, and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. ("Barber", US 5,751,286) in view of Whayne et al. ("Whayne", US 6,014,581).

As per claim 1, Barber teaches a computer software-mediated method for annotating an image aspect of an electronic image, comprising: displaying said electronic image containing said image aspect to a user in a computer-generated interface, permitting via said interface the user to access and query a searchable electronic database of annotations for an annotation term, and optionally permitting said user to add a desired annotation term to said database (abstract; col. 3, lines 24 et seq.; col. 6, lines 61 et seq.; col. 9, lines 5-61; *each image in the database has a corresponding data representation of its particular characteristics, which would necessarily have been annotated by a user prior to being added to the database*); and associating an annotation of said database with said image aspect, such that the annotation, in response to a

Art Unit: 2174

request by a user, is displayed positioned so as to permit a user to identify the associated image aspect in said displayed image (col. 3, lines 32-39).

Barber does not expressly teach the associated annotation to be stored in a second searchable electronic database so as to permit a user to retrieve said electronic image by querying said second electronic database for said annotation. However, the use of a second database in which associated annotations could be stored in would have been an obvious detail implementation depending on design preference. For example, in a network environment, annotations and the images could be all stored on a server, or the annotations could be stored on the client while the images could be stored on the server. These variations on the implementation could be applied depending on preference without affecting the functionality of database querying.

Barber also does not teach the annotation to be displayed positioned in the electronic image. However, annotations of an image being positioned in the electronic image is known in the art. For instance, Whayne teaches an interface for annotating images wherein annotations are displayed positioned in the image (fig. 19; col. 24, lines 20-23 and lines 38-48). It would have been obvious to an artisan at the time of the invention to combine Whayne's teaching with Barber's method so that "selected locations that are significant or of interest" would be clearly and visibly marked for viewers (Whayne; col. 24, lines 46-48).

As per claim 2, Barber teaches said computer to be a personal computer, and wherein said displaying comprises displaying the displayed image on the screen of a computer (fig. 5).

As per claims 3, 12, 21, 29, 32 and 35, Barber does not teach the step of permitting said user to select, drag and drop said annotation to a user-selected location in the displayed

Art Unit: 2174

electronic image. Whayne teaches an interface for annotating images wherein annotations are associated with image aspects by drag/drop operations, and are stored for subsequent retrievals and manipulations (col. 24, lines 15-67; particularly lines 55-58; *dragging/dropping the comment window 406 to a different location on the image*). It would have been obvious to an artisan at the time of the invention to combine Whayne's teaching with Barber in order to facilitate user's process of annotation. The method of Barber and Whayne does not expressly disclose the annotation to be selected from said searchable electronic database. Official Notice is taken that it is well known in the art for annotations to be created/edited and stored/saved in a searchable database which could be later displayed in a list for selection by a user. It would have been obvious to an artisan at the time of the invention to combine such a feature with the method of Barber and Whayne in order to further aid users in managing/organizing and facilitating desired annotations for retrievals.

As per claim 4, Barber teaches said electronic image to contain more than one image aspect (col. 3, lines 32-34).

As per claim 5, Barber teaches said annotation to be a textual annotation (col. 3, lines 32-34).

As per claim 6, Barber teaches the step of selecting said image from the group consisting of a photograph, a writing, and a drawing (fig. 5).

Claims 10-11 and 13-15 are similar in scope to claims 1-2 and 4-6 respectively, and are therefore rejected under similar rationale.

Claims 19-20 and 22-24 are similar in scope to claims 1-2 and 4-6 respectively, and are therefore rejected under similar rationale.

Claims 28 and 30 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

Claims 31 and 33 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

Claims 34 and 36 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

5. Claims 7-9, 16-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. ("Barber", US 5,751,286) and Whayne et al. ("Whayne", US 6,014,581) in view of Kuchinsky et al. ("Kuchinsky", FotoFile).

As per claims 7-9, the method of Barber and Whayne does not expressly teach said electronic image to be a photograph, and image aspect to be annotated to be a person depicted in said photograph, as well as said annotation to be a name of said person depicted in said photograph. Kuchinsky teaches all of these features as noted in col. 1 of page 498, and by figure 3 on page 500. It would have been obvious to an artisan at the time of the invention to include Kuchinsky's photographs of a person as images in the method of Barber and Whayne in order to further provide more flexibility in handling different type of images.

Claims 16-18 are similar in scope to claims 7-9 respectively, and are therefore rejected under similar rationale.

Claims 25-27 are similar in scope to claims 7-9 respectively, and are therefore rejected under similar rationale.

***Response to Arguments***

6. Applicant's arguments with respect to the newly amended limitations in claims 1-36 have been fully considered but they are not persuasive.

The Examiner agrees with Applicant that Barber fails to display an annotation positioned in an electronic image, and Whayne fails to teach selecting/dragging annotations from a searchable electronic database. However, as detailed in the rejection section above, the claims are reviewed under new grounds of rejections.

***Inquires***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Sy Luu', with a long horizontal stroke extending to the right.

**SY D. LUU  
PRIMARY EXAMINER**